Trial of cases arising under Chapter XII of the Criminal Procedure Code.

READ—

Government Order No. J. 4550-4600—Cts. 312-12-1, dated the 10th May 1918, directing that Assistant Commissioners, Amildars and Deputy Amildars should continue to be Magistrates *Ex-officio*, but cease to exercise magisterial functions in practice except such as are really executive in their nature such as those referred to in Chapters VIII to XII of the Criminal Procedure Code.

2. Office Memorandum No. J. 1156-75—Cts. 41-20-6, dated 27th August 1925, directing that cases falling under Chapters VIII to XII of the Criminal Procedure Code should be filed before the Assistant Commissioner Magistrates only.

3. Government Order No. P. 2939-41—Cts. 207-23-7, dated 9th December 1924, directing that cases falling under Chapters VIII to XII of the Criminal Procedure Code arising in the Kadur Taluk be tried by the Special First Class Magistrate, Chikmagalur.

4. Correspondence ending with letter No. DI. Dis. 216—25-26, dated 22nd February 1926, from the Registrar, Chief Court, in the matter of the proposal to entrust the trial of cases falling under Chapter XII of the Criminal Procedure Code to Special Magistrates.

ORDER NO. P. 5567-77—CTS. 196-25-4, DATED 29—30TH APRIL 1926.

On a representation made in the Birthday Session of the Representative Assembly in 1925, that there was considerable delay in the disposal of cases under Chapter XII, Criminal Procedure Code, on the part of some of the *Ex-officio* Magistrates, Government passed orders in Government Order No. P. 3034-42—Cts. 298-24-12, dated 12th December 1925, directing that suitable instructions should be issued by the District Magistrates to the subordinate magistracy to guard against undue delay in the disposal of these cases. Notwithstanding these instructions, Government understand that instances of inordinate delay on the part of the *Ex-officio* Magistrates in dealing with such cases are not uncommon. One of the non-official members of the Legislative Council having sent up in February 1926, a resolution for discussion in the Council, recommending that cases falling under Chapter XII of the Criminal Procedure Code may be ordered to be enquired into and disposed of by the Special First Class Magistrates instead of by the *Ex-officio* Magistrates, the Chief Court were consulted in the matter and they have expressed it as their opinion that these cases can be disposed of more expeditiously by the Special Magistrates than by the *Ex-officio* Assistant Commissioner Magistrates except in places like the Bangalore and Mysore Cities where the work of the Special Magistrates is too heavy to enable them to deal with these cases in addition to their other work.

2. Government accordingly direct that the cases falling under Chapter XII of the Criminal Procedure Code be dealt with and disposed of by the Special Magistrates, exception being made in the case of the City Magistrates of Bangalore and Mysore.

B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.

Rules of Recruitment.

READ—

Letter No. R. O. C. 32—23-24, dated 23rd September 1923, from the Registrar, Chief Court, stating that the rules for the recruitment of ministerial officers of the Subordinate Civil Courts contained in Government Orders Nos. J. 3588—Legis. 23-13-14, dated 4th March 1916, No. J. 1468-9—Cts. 64-15-3, dated 30th October 1916, and No. J. 3110—Cts. 175-21-2, dated 9th January 1922, are found to be defective and that they have to be revised in the light of the general principles laid down by Government for making appointments to the ministerial ranks of the superior service as per Government Order No. E. A. 2013-92—E. A. 14-21-6, dated 28th November 1921, and Government Order No. E. A. 2093-172—E. A. 14-21-7, dated 28th November 1921, and forwarding a set of draft rules embodying all the amendments for the sanction of Government.

2. Proceedings of the meeting of the Central Recruitment Board held on 19th November 1923, amending the rules relating to recruitment forwarded by the Registrar, Chief Court.

3. Correspondence ending with letter No. R. O. C. 32, dated 15th April 1925, from the Registrar, Chief Court, stating that the Chief Court generally agree with the rules as

modified by the Central Recruitment Board and requesting that the words "except in the case of those specially exempted by the Chief Court" may be added to Rule I (4) and that a rule may be added that every two out of three vacancies may be filled up by promotion and the third by direct recruitment in modification of Government Order No. E. A. 2093-172—E. A. 14-21-7, dated 28th November 1921.

4. Letter No. R. O. C. 32—23-24, dated 18th March 1926, from the Registrar, Chief Court in the matter.

ORDER No. P. 5666-7—CTS. 73-23-6, DATED 5TH MAY 1926.

The accompanying general rules of recruitment for the ministerial ranks of the Judicial Department as modified by the Central Recruitment Board are approved.

2. Government are of opinion that it is unnecessary to add the words "except in the case of those specially exempted" in Rule 1—4 as suggested by the Registrar, Chief Court, as Government Order No. G. 1053-112—G. M. 11-23-1, dated 12th July 1923, gives the Chief Court power to recommend for exemption in cases where they consider that such exemption is warranted and justifiable under the terms of that order.

3. The proposal to modify para 3 (6) of Government Order No. E. A. 2093-172—E. A. 14-21-7, dated 28th November 1921, so as to admit of two out of every three vacancies being filled up by promotion from the lower ranks and the third by direct recruitment will be taken up and dealt with separately as a general question.

4. Separate orders will issue in the matter of the powers of the presiding officers of the Civil Courts as regards appointment, punishment and grant of leave.

B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.

GENERAL RULES OF RECRUITMENT FOR THE MINISTERIAL RANKS OF THE JUDICIAL DEPARTMENT.

1. All appointments in the Judicial Department shall be made subject to and in accordance with the general principles contained in the marginally noted Government Orders with the modifications noted below.

(1) G. O. No. E. A. 2013-92—E. A. 14-21-6, dated 28th November 1921.
(2) G. O. No. E. A. 2093-172—E. A. 14-21-7, dated 28th November 1921.

2. Vacancies in the posts of Head Munshis of 'Munsiffs' Courts, Process and Court Nazirs need not be reported to the Central Recruitment Board, but steps should be taken to fill in the next lower appointment in accordance with the Government Order of the 17th May 1923.

3. For the post of Head Munshis of Munsiffs' Courts the prescribed qualification shall be a pass in the Civil Part II and the Registration Examinations (M. L. S. Examinations) exemptions being granted under the rules in force.

4. For the posts of Sheristedars of Subordinate and District Judges' Courts and Head Munshis of District Courts, the prescribed qualification shall be the following:—

Civil Part II, Registration, Criminal Higher and Accounts Lower or Higher (of the Mysore Local Service Examinations).

5. The appointments of Sheristedars and Head Clerks of District Courts will be treated as on a provincial basis, the incumbents being liable to be transferred from one Division to another.

II. PROCESS SERVERS.

Appointments of process servers will be confined to persons knowing how to read and write Kannada with facility. In districts where it is not possible to get literate men as process servers, special exemption in each particular case should be obtained from the District Judge with a full explanation of the circumstances.

A quarterly return of such exemptions granted should be furnished by the District Judge to the Chief Court, with reasons therefor. The possession of a good physique should be an important consideration in the selection of both Process Servers and Amins.

III. AMINS.

Seventy five per cent of the vacancies in the grade of Amins shall be filled up by promotion and 25 per cent by direct recruitment.